

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  KEN ANKENBAUER  Complainant,  vs.  INTERSTATE POWER COMPANY,  Respondent.	DOCKET NO. C-00-59
---	--------------------

**ORDER DENYING REQUEST FOR FORMAL COMPLAINT PROCEEDINGS**

(Issued June 21, 2000)

On February 18, 2000, Ken Ankenbauer filed with the Utilities Board (Board) a written complaint asking that he be allowed to receive electric service at certain property he owns near Epworth, Iowa, from Maquoketa Valley Rural Electric Cooperative (Maquoketa Valley). The property is located within the exclusive electric service territory of Interstate Power Company (Interstate). Mr. Ankenbauer wants to receive service from Maquoketa Valley rather than Interstate because Maquoketa Valley's line extension charges are less than Interstate's.

Interstate formally responded to the complaint on March 15, 2000. Interstate said it had offered two options to Maquoketa Valley to provide service to Mr. Ankenbauer. One option involved a service territory swap or trade and the other would allow Maquoketa Valley to serve a portion of the property. Neither option was acceptable to Maquoketa Valley.

On March 23, 2000, the Board's Consumer Services section issued a proposed resolution that found Interstate was within its rights in retaining the rights to serve Mr. Ankenbauer. The resolution noted that Iowa law provides for exclusive electric service territories and that the Board cannot change these territories absent agreement of both utilities and approval. Mr. Ankenbauer was dissatisfied with the proposed resolution and filed a request for formal complaint proceedings on April 3, 2000.

Iowa Code § 476.3(1) (1999) provides, in part, that following informal complaint proceedings, "[t]he complainant or the public utility also may petition the board to initiate a formal proceeding which petition shall be granted if the board determines that there is any reasonable ground for investigating the complaint." This is the standard the Board applies to requests for formal complaint proceedings.

All documents contained in the file of an informal complaint proceeding are part of the record. 199 IAC 6.7. Thus, in determining whether there is any reasonable ground for instituting formal complaint proceedings, the Board reviews the entire file.

Iowa Code § 476.25 declares it to be in the public interest to provide for exclusive electric service territories to "eliminate or avoid unnecessary duplication of electric utility facilities, and to promote economical, efficient, and adequate electric service to the public." Mr. Ankenbauer's property is located within Interstate's assigned service territory. Electric service territories can only be changed pursuant to the procedures established in section 476.25, which does not provide for changes initiated by customer complaint.

While the assignment of electric service territories often results in different rates or charges being paid by persons located on opposite sides of the boundary, the legislature has determined that establishment of exclusive service territories furthers the goal of providing co-ordinated service to all Iowans. In exchange for being granted an exclusive service territory, an electric utility has an obligation to provide service to all those located within its service territory.

There is no reasonable ground for investigating any aspects of this complaint further. Therefore, the request for formal complaint proceedings will be denied.

**IT IS THEREFORE ORDERED:**

The request for formal complaint proceedings filed by Ken Ankenbauer on April 3, 2000, is denied.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 21<sup>st</sup> day of June, 2000.